



CHAPTER XIV MESSAGE REGULATIONS

1.00 DEFINITIONS

Massage or Massage Therapy:

Means the skillful application of touch to enhance health and well-being, in which soft tissue manipulation is primary.

Massage Therapist:

Shall mean a health care practitioner who offers services to the public using a massage specialty in caring for clients

Applicant:

Shall mean individual applying for licensure and ultimately responsibility for complying with the Town of Wellesley Massage Regulations

Chair Therapy:

shall mean massage therapy performed upon fully clothed individuals in a chair. Chair therapy may be conducted in a private or commercial establishment by a licensed massage therapist who is licensed by the Wellesley Board of Health.

Establishment For Giving Massage; or Vapor, Pool, Shower, or Other, Baths:

means the office place of business, or premises where massage is practiced or where therapeutic or conditioning bathes of water, vapor or other substance are given.

Approval:

means approved by the Board of Health of the Town of Wellesley.

Approved Certificated of Massage:

means a certificate or completion that meets the standards of a state or national professional association or institute with specific emphasis on courses on the art and science of massage, which includes both theory and practice.

2.00 LICENSING EXCEPTIONS AND EXCLUSIONS

- a) The licensing provisions of these regulations shall NOT apply to the following classes of individuals while engaging in the performance of the duties of their respective professions:
- b) Physicians, Surgeons, Chiropractors, Osteopaths, Podiatrists, Physical Therapists or Occupational Therapists who are duly licensed to practice their respective profession in the Commonwealth of Massachusetts
- c) Barbers and Beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and or scalp of the customer or client.
- d) Health Care Personnel in hospitals, nursing homes, or other health care facilities licensed by the Commonwealth of Massachusetts.
- e) Coaches and athletic trainers acting within the scope of their employment at accredited schools or educational institutions.

3.00 Individual Massage Applicant

3.01 Licensure. No person shall practice massage or conduct for the giving of massage, vapors, pool, shower or any other type of bath for hire or reward, or advertise or claim to be engaged in the business of massage or the giving of said baths without first obtaining a license from the Wellesley Health Department.

3.02 Requirements. Requirements for licensure of an individual shall, as a minimum, include the following requirements:

- a) Applicant must be eighteen years of age or older
- b) Applicant must provide proof of moral and ethical character

c) Applicant must provide satisfactory completion of an approved course of massage training as determined by the Wellesley Board of Health

d) Individual massage licenses shall be renewable annually on January first of each year

e) Applicant must provide payment of a license fee as established by the Board of Health

3.03 INDIVIDUAL MESSAGE APPLICATION REQUIREMENTS

The following information must accompany the application:

a) One face front photograph at least 2"2" taken within thirty(30) days of submission of the application

b) Two (2) forms of positive identification or valid photo passport indicating that the applicant is eighteen years of age or older

c) A certified copy of proof of graduation for a school of massage therapy approved by the American Massage Therapy Association or the Commonwealth of Massachusetts Department of Education or the Board of Education in the state in which the school is located.

d) Copy of current liability insurance

e) A minimum of 500 hours and six (6) months of instruction and practicum training, with a letter or recommendation from where training was obtained.

f) Copies of three professional letters of recommendation.

g) Copies of two personal references of recommendation

h) The name and address of all licensed establishments at which the applicant intends to practice.

i) Signature of prospective employee

j) All criminal convictions, forfeiture of bond, or plea of nolo contendere, excluding traffic, misdemeanor or infraction violations.

k) The license fee as established by the Board of Health.

l) Any false statements or information presented to the Department shall be grounds for revocation of license

3.04 Moral Character

EVERY applicant for a license shall provide evidence satisfactory to the Board of Health to be of good moral and ethical character, or training and experience, and of physical fitness to enable the applicant to engage in the calling that she/he desires and any licensee whosoever may at any time be required to furnish additional evidence of character, fitness, training and experience.

3.05 NO LICENSEE shall perform massage therapy outside of a licensed establishment or in the home of a client.

3.06 FAILURE to comply with all applicable provisions of these regulations may result in suspension or revocation of the license, by majority vote of the Board of Health.

ESTABLISHMENT REQUIREMENTS

4.00 Establishment Requirements. Each establishment for the giving of massage, or vapor, pool, shower or other baths shall meet the following requirements:

a. Establishment must be well lighted and well ventilated.

b. No home may be used as a massage establishment unless it is zoned for such use

c. No bedroom may be used for massage

d. There must be a continuous supply of hot and cold running water from an approved source, constructed, maintained and operated according to the applicable laws and in sufficient supply necessary to conduct the operations of the establishment.

- e. A hand sink must be located in each massage treatment room to permit use by anyone rendering massage services
- g. Where patrons of both sexes are accommodated simultaneously there shall be arrangements for separation of rooms and facilities used by each sex
- h. All robes, sheets, etc., that are placed in direct contact with the body shall not be reused until adequately washed
- i. All establishments shall be kept in a sanitary condition
- j. There shall be approved toilet and washing facilities within the premises readily available to the patrons and affording sufficient privacy
- k. All equipment, instruments and devices which may come in contact with the body shall be subjected to an approved bacterial treatment after each use.

5.00 ESTABLISHMENT MASSAGE APPLICATION REQUIREMENTS

The following information must accompany the application:

- a) Copy of current liability insurance.
- b) Three letters from professional references.
- c) Two letters from personal references.
- d) All criminal convictions, forfeiture of bond, or plea of nolo contendere, excluding traffic, misdemeanor or infraction violations.
 - e) The license fee as established by the Board of Health.
 - f) Any false statements or information presented to the Department shall be grounds for revocation of license.
 - g) Establishment massage licenses shall be renewable annually on January first of each year.

5.01 No person shall treat or be treated while infected with a disease in communicable form that can be transmitted from person-to-person.

5.02 Establishment Licensure. Every establishment shall be licensed and everyone rendering massage services shall be properly licensed by the Wellesley Health Department according to all applicable regulations.

5.03 Hours of Operation.

No licensed establishment shall be kept open or operate except between the hours of 7 o'clock A.M. and 10 o'clock P.M. unless authorized by the Town of Wellesley Board of Health

5.04 Inspection. Agents of the Massachusetts Department of Public Health, the Wellesley Board of Health or the Wellesley Police Department as provided in the Massachusetts General Laws, Chapter 140, Section 52, may enter an establishment licensed for the giving of massage therapy; vapors, pool, shower or other baths at any reasonable time for the purpose of making an inspection to ascertain whether the establishment is in compliance with these regulations. Refusal to allow entry to authorized persons shall be sufficient reason to revoke the license.

5.05 Reserved

5.06 Exclusions. Anyone licensed and duly registered by the Commonwealth of Massachusetts who may legally perform massage as part of their delivery of professional services is exempt from these requirements.

5.07 Hospitals, nursing homes, convalescent homes, or other similar licensed activities are excluded from licensure requirements.

6.00 Reserved.

CHAIR THERAPY

7.00 Performed outside a licensed establishment is limited to so-called "on-site" workplace chair massage therapy.

7.01 Conduct of "on-site workplace chair massage therapy" shall be limited to work sites and public facilities.

7.02 Chair massage therapy shall be performed upon fully clothed individuals in a chair.

7.03 Chair therapy may be conducted in a private or commercial establishment by a licensed massage therapist who is licensed by the Wellesley Board of Health. CHAIR MASSAGE MAY NOT BE CONDUCTED IN A PRIVATE RESIDENTS HOME.

7.04 Hours that such therapy may be conducted are 8:00 am to 7:00 pm.

8.00 Effective Date. These regulations were adopted by vote of the Town of Wellesley, Massachusetts Board of Health, at their regularly scheduled meeting held on September 23, 2003 and are to be in full force and effect on and after November 1, 2003. Before said date, these regulations shall be published and a copy thereof be placed on file in the Office of the Board of Health. These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petition.